

26 November 2009

The Secretary  
Senate Standing Committee on Finance  
and Public Administration  
Parliament House  
Canberra, ACT 2600

Dear Sir/Madam,

**Inquiry into Independent Arbitration of Public Interest  
Immunity Claims**

Liberty Victoria supports the proposal for an independent arbitrator to be appointed to review and determine claims by the Executive Government that documents are not liable to be produced to the Senate or a committee of the Senate.

Liberty supports open and accountable government and considers that claims for public interest immunity can undermine it.

Liberty recognises that there will often be legitimate claims for public interest immunity, especially in the area of national security. However, a properly qualified independent arbitrator would no doubt uphold those claims so there would be no threat to national security.

Open and accountable government can be easily undermined by claims for commercial confidence. So many functions formerly performed by government are nowadays performed by private organisations. Scrutiny of their actions is often prevented by claims for commercial confidence. Liberty Victoria considers that such claims need to be carefully investigated and limited. It regards the proposal for an independent arbitrator as an important reform to this end.

Yours sincerely,



**Michael Pearce SC**  
President

**GPO Box 3161  
Melbourne VIC 3001**

info@libertyvictoria.org.au  
www.libertyvictoria.org.au

t 03 9670 6422

Reg No : A0026497L

**PRESIDENT**  
Michael Pearce SC

**VICE-PRESIDENTS**  
Jamie Gardiner  
Anne O'Rourke  
Prof Spencer Zifcak  
Georgia King-Siem

**SECRETARY**  
Jessie Taylor

**ASSISTANT SECRETARY**  
Agusia Kapitaniak

**TREASURER**  
Timothy Warner

**COMMITTEE**  
Rachel Ball  
Julian Burnside AO QC  
Hugh Crosthwaite  
Judy Magassy  
Dr Di Sisely  
Marian Steele  
Dr Larry Stillman  
Evelyn Tadros  
Brian Walters SC  
Jonathan Wilkinson